
TAB 7

Legislative Update

Presented by: Paul Dauphinais, APOC Staff

1. Senate Joint Resolution 21 (No sponsor statement available) - This resolution would change the composition of the Alaska Judicial Council. The effect on APOC would be tangential; a minor increase in the number of POFD filers and the potential for greater election activity if this matter is placed in the November ballot.
2. Senate Bill 205 (No sponsor statement available) —This bill would make engaging in partisan politics while travelling on municipal or state business prohibited. Related statutes and regulations include 2 AAC 50.250 (b)(3); see also AO 06-03-CD (Perez).
3. Senate Bill 207 (No sponsor statement available) -This bill would change the prohibition on fund raising during legislative session to include municipal candidates, the governor and lieutenant governor running for state office from soliciting or accepting contributions while the legislature is in session. It would repeal AS 15.13.074(g) and insert section (i) to mirror section (d) which currently applies to sitting legislators.
4. House Bill 235—This bill would amend AS 15.13.045, AS 15.13.380, and AS 39.50.055 and have APOC keep all complaints, investigations, documents, and hearings regarding a complaint confidential until a finding of a violation is found by the commission.
5. House Bill 275 (No sponsor statement available) —This bill would require state agencies to post required reports electronically to the Alaska Online Public Notice System. This would have minimal effect on APOC.
6. House Bill 326 (No sponsor statement available) —This bill mostly deals with legislative ethics matters, but the additional definition to be added to AS 24.60.990 would have minimal effect on APOC as that definition is not currently in the statute.
7. House Bill 337—This bill would create a central website to post all public records for state agencies. An agency shall provide public records to the Department of Administration (DOA) for placement on the website and the website will be administered by DOA. The effect on APOC would be to provide records to DOA for uploading quarterly.

SENATE JOINT RESOLUTION NO. 21

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATORS KELLY, Giessel, Dunleavy, McGuire

Introduced: 2/10/14

Referred: Judiciary

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska to increase the number**
 2 **of members on the judicial council and relating to the initial terms of new members**
 3 **appointed to the judicial council.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** Article IV, sec. 8, Constitution of the State of Alaska, is amended to read:

6 **Section 8. Judicial Council.** The judicial council shall consist of sixteen
 7 [SEVEN] members. Five [THREE] attorney members shall be appointed for six-year
 8 terms by the governing body of the organized state bar. Ten [THREE] non-attorney
 9 members shall be appointed for six-year terms by the governor subject to confirmation
 10 by a majority of the members of the legislature in joint session. Vacancies shall be
 11 filled for the unexpired term in like manner. Appointments shall be made with due
 12 consideration to area representation and without regard to political affiliation. The
 13 chief justice of the supreme court shall be ex-officio the sixteenth [SEVENTH]
 14 member and chairman of the judicial council. No member of the judicial council,
 15 except the chief justice, may hold any other office or position of profit under the

1 United States or the State. The judicial council shall act by concurrence of a majority
2 of its members who are participating in a vote [FOUR OR MORE MEMBERS]
3 and according to rules which it adopts.

4 * **Sec. 2.** Article XV, Constitution of the State of Alaska, is amended by adding a new
5 section to read:

6 **Section 30. Judicial Council Additional Members.** If the 2014 amendment
7 increasing the membership of the judicial council (art. IV, sec. 8) is adopted, the first
8 term for the new members of the judicial council shall be as follows: two attorney
9 members for three and five years respectively, two non-attorney members for one
10 year, one non-attorney member for two years, one non-attorney member for three
11 years, one non-attorney member for four years, one non-attorney member for five
12 years, and one non-attorney member for six years.

13 * **Sec. 3.** The amendments proposed by this resolution shall be placed before the voters of
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
15 State of Alaska, and the election laws of the state.

SENATE BILL NO. 205

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATORS GARDNER, McGuire

Introduced: 2/26/14

Referred: Community and Regional Affairs, State Affairs, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 "An Act requiring municipalities to prohibit elected municipal officials and municipal
2 employees from engaging in partisan political activity while traveling on municipal
3 business and prohibiting state public officials and employees from engaging in partisan
4 political activity while traveling on state business."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

7 (63) AS 29.20.012 (prohibited conduct).

8 * **Sec. 2.** AS 29.20 is amended by adding a new section to read:

9 **Sec. 29.20.012. Prohibited conduct.** (a) Each municipality shall adopt an
10 ordinance that prohibits an elected municipal official or a municipal employee from
11 engaging in partisan political activity while traveling on municipal business when the
12 travel is paid for with municipal funds. Nothing in this section prohibits a municipality
13 from enacting an ordinance that imposes additional limitations on partisan political
14 activity.

(b) This section applies to home rule and general law municipalities.

* **Sec. 3.** AS 39.52.120 is amended by adding a new subsection to read:

(g) Except as provided in (b)(6) and (f) of this section, a public officer may not engage in partisan political activity while traveling on state business when the travel is paid for with state funds.

SENATE BILL NO. 207

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATOR MCGUIRE

Introduced: 2/26/14

Referred: State Affairs, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to restrictions on the solicitation and acceptance of campaign
2 contributions by certain persons running for statewide office while the legislature is in
3 session."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 15.13.072 is amended by adding a new subsection to read:

6 (i) While the legislature is convened in a regular or special legislative session,
7 an elected municipal official running for statewide office, the governor, if the
8 governor is running for statewide office, or the lieutenant governor, if the lieutenant
9 governor is running for statewide office, may not solicit or accept a contribution to be
10 used for the purpose of influencing the outcome of an election under this chapter
11 unless

12 (1) it is an election in which the person is a candidate and the
13 contribution is for that person's campaign;

14 (2) the solicitation or acceptance occurs during the 90 days

- 1 immediately preceding that election; and
- 2 (3) the solicitation or acceptance occurs in a place other than the
- 3 capital city or a municipality in which the legislature is convened in special session if
- 4 the legislature is convened in a municipality other than the capital city.
- 5 * Sec. 2. AS 15.13.072(g) is repealed.

HOUSE BILL NO. 235

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HIGGINS

Introduced: 1/21/14

Referred: State Affairs, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 **"An Act requiring the Alaska Public Offices Commission to maintain the confidentiality**
2 **of certain proceedings, documents, and information."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 15.13.045 is amended by adding a new subsection to read:

5 (e) Proceedings of the commission relating to an investigation conducted
6 under this section concerning a potential violation of AS 15.13 or AS 39.50 are
7 confidential until the commission determines that a violation has occurred. Hearings
8 of the commission relating to the investigation are closed to the public until the
9 commission determines that a violation has occurred. All documents produced or
10 disclosed as a result of the commission's investigation are confidential and are not
11 public records for purposes of AS 40.25.110 - 40.25.140 until the commission
12 determines that a violation has occurred. The subject of the investigation may waive
13 the confidentiality provisions of this subsection.

14 * **Sec. 2.** AS 15.13.380 is amended by adding a new subsection to read:

1 (l) Proceedings of the commission relating to a complaint made under (b) of
2 this section are confidential until the commission determines that a violation of this
3 chapter has occurred. All meetings of the commission relating to a complaint are
4 closed to the public until the commission determines that a violation has occurred. The
5 complaint and all documents produced or disclosed as a result of the commission's
6 investigation are confidential and are not public records for purposes of AS 40.25.110
7 - 40.25.140 until the commission determines that a violation has occurred. The subject
8 of the complaint may waive the confidentiality provisions of this subsection.

9 * **Sec. 3.** AS 39.50.055 is amended by adding a new subsection to read:

10 (d) Proceedings of the commission relating to a complaint made under this
11 section are confidential until the commission determines that a violation of this
12 chapter has occurred. All meetings of the commission relating to a complaint are
13 closed to the public until the commission determines that a violation of this chapter
14 has occurred. Until the commission determines that a violation has occurred, the
15 complaint and all documents produced or disclosed as a result of the commission's
16 investigation are confidential and are not public records for purposes of AS 40.25.110
17 - 40.25.140. The subject of the complaint may waive the confidentiality provisions of
18 this subsection.

HOUSE BILL NO. 275

IN THE LEGISLATURE OF THE STATE OF ALASKA
 TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES HAWKER, Nageak

Introduced: 1/24/14

Referred: Community and Regional Affairs, State Affairs

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to electronic publication of certain municipal notices and to
 2 publication and electronic distribution of reports by state agencies."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 29.45.020(a) is amended to read:

5 (a) If a municipality levies and collects property taxes, the governing body
 6 shall provide the following notice:

7 "NOTICE TO TAXPAYER

8 For the current fiscal year the (city)(borough) has been allocated the
 9 following amount of state aid for school and municipal purposes under
 10 the applicable financial assistance Acts:

11 PUBLIC SCHOOL FUNDING PROGRAM (AS 14.17) \$

12 STATE AID FOR RETIREMENT OF SCHOOL \$

13 CONSTRUCTION DEBT (AS 14.11.100)

14 COMMUNITY REVENUE SHARING PROGRAM \$

(AS 29.60.850 - 29.60.879)

TOTAL AID \$

The millage equivalent of this state aid, based on the dollar value of a mill in the municipality during the current assessment year and for the preceding assessment year, is:

	MILLAGE EQUIVALENT	PREVIOUS YEAR	THIS YEAR
PUBLIC SCHOOL FUNDING	...MILLS	...MILLS	
PROGRAM ASSISTANCE			
STATE AID FOR RETIREMENT	...MILLS	...MILLS	
OF SCHOOL CONSTRUCTION			
DEBT			
COMMUNITY REVENUE	...MILLS	...MILLS	
SHARING PROGRAM			
TOTAL MILLAGE EQUIVALENT	...MILLS	...MILLS"	

Notice shall be provided by

(1) furnishing a copy of the notice with tax statements mailed for the fiscal year for which aid is received; or

(2) publishing in a newspaper of general circulation in the municipality a copy of the notice once each week for a period of three successive weeks, with publication to occur not later than 45 days after the final adoption of the municipality's budget; instead of newspaper publication, a municipality may by ordinance provide for electronic publication by posting the notice for three consecutive weeks on a municipal Internet website accessible to the public.

* Sec. 2. AS 29.45.330(a) is amended to read:

(a) A municipality shall

(1) annually present a petition for judgment and a certified copy of the foreclosure list for the previous year's delinquent taxes in the superior court for judgment;

(2) publish the foreclosure list for four consecutive weeks in a newspaper of general circulation distributed in the municipality, on a municipal

1 Internet website accessible to the public, or, if there is no newspaper of general
 2 circulation distributed in the municipality and no municipal Internet website, post
 3 the list at three public places for at least 30 days;

4 (3) within 10 days after the first publication or posting, mail to the last
 5 known owner of each property as the owner's name and address appear on the list a
 6 notice advising of the foreclosure proceeding in which a petition for judgment of
 7 foreclosure has been filed and describing the property and the amount due as stated on
 8 the list.

9 * **Sec. 3.** AS 29.45.440(a) is amended to read:

10 (a) At least 30 days before the expiration of the redemption period the clerk or
 11 the clerk's designee shall publish a redemption period expiration notice. The notice
 12 must contain the date of judgment, the date of expiration of the period of redemption,
 13 and a warning that all properties ordered sold under the judgment, unless redeemed,
 14 shall be deeded to the municipality immediately on expiration of the period of
 15 redemption and that every right or interest of a person in the properties will be
 16 forfeited forever to the municipality. The notice appears once a week for four
 17 consecutive weeks in a newspaper of general circulation distributed in the
 18 municipality or on a municipal Internet website accessible to the public. If there is
 19 no newspaper of general circulation distributed in the municipality and no municipal
 20 Internet website, the notice is posted in three public places for at least four
 21 consecutive weeks. The clerk shall send a copy of the notice by certified mail to each
 22 record owner of property against which a judgment of foreclosure has been taken and,
 23 if the assessed value of the property is more than \$10,000, to all holders of mortgages
 24 or other liens of record on the property. The notice shall be mailed within five days
 25 after the first publication. The mailing shall be sufficient if mailed to the property
 26 owner and to the holder of a mortgage or recorded lien at the last address of record.

27 * **Sec. 4.** AS 44.62.175(a) is amended to read:

28 (a) The lieutenant governor shall develop and supervise the Alaska Online
 29 Public Notice System, to be maintained on the state's site on the Internet. The
 30 lieutenant governor shall prescribe the form of notices posted on the system by state
 31 agencies. The Alaska Online Public Notice System must include

- 1 (1) notices of proposed actions given under AS 44.62.190(a);
- 2 (2) notices of state agency meetings required under AS 44.62.310(e),
- 3 even if the meeting has been held;
- 4 (3) notices of solicitations to bid issued under AS 36.30.130;
- 5 (4) notices of state agency requests for proposals issued under
- 6 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
- 7 AS 43.40.010;
- 8 (5) executive orders and administrative orders issued by the governor;
- 9 (6) written delegations of authority made by the governor or the head
- 10 of a principal department under AS 44.17.010;
- 11 (7) the text or a summary of the text of a regulation or order of repeal
- 12 of a regulation for which notice is given under AS 44.62.190(a), including an
- 13 emergency regulation or repeal regardless of whether it has taken effect;
- 14 (8) notices required by AS 44.62.245(b) regarding an amended version
- 15 of a document or other material incorporated by reference in a regulation;
- 16 (9) a summary of the text of recently issued published opinions of the
- 17 attorney general;
- 18 (10) a list of vacancies on boards, commissions, and other bodies
- 19 whose members are appointed by the governor;
- 20 (11) in accordance with AS 39.52.240(h), advisory opinions of the
- 21 attorney general; [AND]
- 22 (12) notices required by AS 26.30.010(d) and (e) regarding
- 23 applications for military facility zones; and
- 24 (13) reports of state agencies, if required under AS 44.99.250.

25 * **Sec. 5.** AS 44.99 is amended by adding new sections to read:

26 **Article 3A. Distribution of Agency Reports.**

27 **Sec. 44.99.250. Electronic distribution and posting.** (a) A state agency that
 28 produces and distributes a report shall, if the agency has the technological capability to
 29 do so, provide copies electronically and post the report on the Alaska Online Public
 30 Notice System (AS 44.62.175). An agency may not produce print copies of reports
 31 except as

1 (1) required

2 (A) under AS 14.56.120;

3 (B) by agreement; or

4 (C) by federal law; or

5 (2) requested under AS 44.99.260 or specifically approved by the head
6 of a state agency or the head's designee.

7 (b) Except as provided in (a) of this section, electronic distribution and
8 electronic posting on the Alaska Online Public Notice System (AS 44.62.175) fulfills
9 any obligation in state law to publish, prepare, or present a report, and electronic
10 distribution fulfills any obligation in state law to submit a report.

11 **Sec. 44.99.260. Print copy requests.** A person may obtain a print copy of a
12 report from the state library distribution and data access center under AS 14.56.170.

13 **Sec. 44.99.270. Graphic design for reports.** Notwithstanding AS 44.99.200,
14 when preparing reports, a state agency may not hire contractors to provide
15 photographs or graphics unless

16 (1) no agency employee qualified to perform the work is available; or

17 (2) the agency would use fewer state resources by hiring a contractor.

18 **Sec. 44.99.290. Definitions.** In AS 44.99.250 - 44.99.290,

19 (1) "report" means an official document that a state agency is required
20 by law to prepare and distribute to the legislature or the public without a specific
21 request;

22 (2) "state agency" means a department, institution, board, commission,
23 division, authority, public corporation, committee, or other administrative unit of the
24 executive branch of state government, including the University of Alaska, the Alaska
25 Railroad Corporation, the Alaska Permanent Fund Corporation, and the Alaska
26 Housing Finance Corporation.

HOUSE BILL NO. 326

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KAWASAKI

Introduced: 2/21/14

Referred: State Affairs, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 "An Act requiring a legislator to abstain from voting on questions affecting an
2 enterprise if the legislator or member of the legislator's immediate family has a
3 substantial financial interest in the enterprise, and requiring a legislator to refrain from
4 taking or withholding official action or exerting official influence in certain matters in
5 which the legislator's action or influence could benefit or harm another person; adding a
6 definition of 'financial interest' to the Legislative Ethics Act; making this Act
7 conditionally effective; and providing for an effective date."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 * **Section 1.** AS 24.60.030(e) is amended to read:

10 (e) A legislator may not directly, or by authorizing another to act on the
11 legislator's behalf,

12 (1) agree to, threaten to, or state or imply that the legislator will take or
13 withhold a legislative, administrative, or political action, including support for or

opposition to a bill, employment, nominations, and appointments, as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value;

(2) state or imply that the legislator will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value; or

(3) except as provided in (g) of this section or while participating in a public discussion or debate [UNLESS REQUIRED BY THE UNIFORM RULES OF THE ALASKA STATE LEGISLATURE], take or withhold official action or exert official influence that could substantially benefit or harm the financial interest of another person

(A) by [WITH] whom the legislator is employed;

(B) with whom the legislator is negotiating for employment;

or

(C) from whom the legislator has received more than \$10,000 of income within the immediately preceding 12-month period.

* Sec. 2. AS 24.60.030(g) is amended to read:

(g) A [UNLESS REQUIRED BY THE UNIFORM RULES OF THE ALASKA STATE LEGISLATURE, A] legislator may not vote on a question if the legislator or a member of the legislator's immediate family has a financial [AN EQUITY OR OWNERSHIP] interest in a business, investment, real property, lease, or other enterprise if the interest is substantial and the effect on that interest of the action to be voted on is greater than the effect on a substantial class of persons to which the legislator or the family member, whichever one has the financial interest, belongs as a member of a profession, occupation, industry, or region. However, notwithstanding (e)(3) of this section and the limitations of this subsection, a legislator may vote on an appropriation bill that meets the requirements of AS 37.07.020(a) or 37.07.100 (Executive Budget Act).

* Sec. 3. AS 24.60.030(j) is amended to read:

(j) In this section,

1 (1) "administrative hearing" means a quasi-judicial hearing before an
 2 agency; "administrative hearing" does not include an informal conference or review
 3 held by an agency before a final decision is issued or a rate-making proceeding or
 4 other nonadjudicative public hearing;

5 (2) "substantially benefit or harm" means the effect on the
 6 person's financial interest is greater than the effect on the financial interest of a
 7 substantial class of persons to which the person belongs as a member of a
 8 profession, occupation, industry, or region.

9 * Sec. 4. AS 24.60.990(a) is amended by adding a new paragraph to read:

10 (17) "financial interest" means ownership of an interest or an
 11 involvement in a business, including a property ownership, or a professional or private
 12 relationship, that is a source of income, or from which, or as a result of which, a
 13 person has received or expects to receive a financial benefit.

14 * Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
 15 read:

16 CONDITIONAL EFFECT. This Act takes effect only if Rule 34(b), Uniform Rules of
 17 the Alaska State Legislature, is amended to require a member to request to abstain from
 18 voting when the member reasonably believes that casting a vote would violate AS 24.60
 19 (Legislative Ethics Act), and allowing a member's abstention to be approved by a majority
 20 vote.

21 * Sec. 6. If, under sec. 5 of this Act, this Act takes effect, it takes effect on the later of the
 22 effective date of the amendment made to Rule 34(b), Uniform Rules of the Alaska State
 23 Legislature, as described in sec. 5 of this Act or on the date described in AS 01.10.070(c).

HOUSE BILL NO. 337

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KREISS-TOMKINS, Tuck, Gara

Introduced: 2/24/14

Referred: State Affairs, Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the establishment of a central Internet website for public access to
2 the public records of state agencies and municipalities; and providing for an effective
3 date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 40.25 is amended by adding new sections to read:

6 **Article 3. Central Website for Public Records.**

7 **Sec. 40.25.400. Establishment of central website.** (a) In addition to the
8 authority given to state agencies to provide electronic services and products to
9 members of the public under AS 40.25.115, the department shall develop, operate, and
10 maintain a central Internet website that contains all of the public records of state
11 agencies that existed in electronic format on December 31, 2014, or are developed or
12 received by a state agency, or by a private contractor for a state agency, on or after
13 January 1, 2015. The department may include on the Internet website public records
14 that were developed or received by a state agency, or by a private contractor for a state

1 agency, before January 1, 2015, but that did not exist in electronic format on
2 December 31, 2014.

3 (b) The department may include the public records of a municipality on the
4 central website if the municipality requests that the department include its public
5 records on the central website, and the department shall assist the municipality to
6 place its public records on the central website.

7 **Sec. 40.25.410. Requirements for website.** (a) The central website must

8 (1) allow a member of the public to access and copy a public record
9 from a computer without limiting the quantity of public records copied;

10 (2) provide public records in an understandable and useable form;

11 (3) organize the public records in a manner that identifies the general
12 nature of the public records and each public record provided on the central website;

13 (4) provide public records in an electronic format that

14 (A) can be read by computer;

15 (B) is available to the public and not privately owned or
16 operated;

17 (C) allows a user to search and sort the information in the
18 public records; and

19 (D) is able to run on more than one computer operating system.

20 (b) The department may not charge members of the public to access the
21 central website, to search the central website, or to make copies of public records on
22 the central website and may not require members of the public to use a security code,
23 including a password, to access the central website.

24 **Sec. 40.25.440. Handbook.** The department shall develop and maintain a
25 procedure handbook for a state agency to use when it develops and provides the
26 department with the agency's public records for the central website. The handbook
27 must include

28 (1) a list of acceptable electronic formats for the public records;

29 (2) the method for transferring public records to the central website;

30 and

31 (3) methods for organizing the public records.

1 **Sec. 40.25.450. State agency obligations.** A state agency shall provide the
 2 department with its public records for placement on the central website and with
 3 general descriptions of the categories of the state agency's records that are not public
 4 records.

5 **Sec. 40.25.460. Updates.** A state agency shall provide updates of its public
 6 records to the department every three months, and the department shall update the
 7 central website every three months.

8 **Sec. 40.25.480. Regulations.** The department may adopt regulations to
 9 implement AS 40.25.400 - 40.25.490.

10 **Sec. 40.25.490. Definitions.** In AS 40.25.400 - 40.25.490,

11 (1) "central website" means the central Internet website established
 12 under AS 40.25.400;

13 (2) "computer" includes a cellular telephone and other personal
 14 electronic devices;

15 (3) "department" means the Department of Administration;

16 (4) "public records" means records that are open to public inspection
 17 under AS 40.25.120;

18 (5) "records" means books, papers, files, accounts, writings, including
 19 drafts and memorializations of conversations, and other items, regardless of format or
 20 physical characteristics, that are developed or received by a state agency or
 21 municipality, or by a private contractor for a state agency or municipality, and that are
 22 preserved for their informational value or as evidence of the organization or operation
 23 of a state agency or municipality; in this paragraph, "items" does not include
 24 proprietary software programs;

25 (6) "state agency" means a department, division, or other
 26 administrative unit of the executive branch of state government; in this paragraph,
 27 "other administrative unit" does not include

28 (A) the University of Alaska;

29 (B) the Alaska Railroad Corporation;

30 (C) the Alaska Housing Finance Corporation;

31 (D) the Alaska Aerospace Corporation;

- 1 (E) the Alaska Industrial Development and Export Authority;
2 (F) a public corporation.

3 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 **TRANSITION: INITIAL AGENCY DELIVERY OF PUBLIC RECORDS.** (a) By
6 July 1, 2015, a state agency shall provide to the department for the central website its public
7 records that are in electronic form on December 31, 2014.

8 (b) By January 1, 2016, a state agency shall provide to the department for the central
9 website the public records developed or received by the state agency, or by a private
10 contractor for the state agency, on or after January 1, 2015.

11 (c) If a state agency is not able to meet a date set under (a) or (b) of this section, the
12 state agency and the department shall establish a reasonable schedule for providing the public
13 records.

14 (d) In this section, "central website," "department," "public records," and "state
15 agency" have the meanings given in AS 40.25.490, enacted by sec. 1 of this Act.

16 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **TRANSITION: DELAYED AVAILABILITY.** The central website established under
19 AS 40.25.400, enacted by sec. 1 of this Act, shall be available to the public on and after
20 July 1, 2016.

21 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **TRANSITION: INITIAL UPDATE OF AGENCY RECORDS.** (a) On or before
24 July 1, 2016, a state agency shall provide to the department the first update of its public
25 records.

26 (b) On or before October 1, 2016, the department shall provide its first update of the
27 central website.

28 (c) In this section, "central website," "department," "public records," and "state
29 agency" have the meanings given in AS 40.25.490, enacted by sec. 1 of this Act.

30 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 TRANSITION: REGULATIONS. The Department of Administration may adopt
2 regulations under AS 40.25.480, enacted by sec. 1 of this Act, necessary to implement this
3 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
4 before January 1, 2015.

5 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

6 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2015.

